APPLICANT: Sinclair
SERIAL NO.: 09/247,222
Page 3

REMARKS

The undersigned greatly appreciates the courtesies extended by Examiner Richard Hess and SPE James Trammell during the personal interview with the inventor, David Sinclair, at the Patent and Trademark Office on March 2, 2000. A proposed amendment to Claim 1 and the prior art Anderson patent were discussed during the interview. Mr. Sinclair provided a detailed explanation of the invention, and discussed how the invention differs from prior art systems which use *system logic* to determine the distribution of *pre-programmed loan package information.*

Claims 1-20 in the case are pending and stand rejected under 35 U.S.C. §103(a) as being unpatentable over DeFrancesco, Tengel, and Anderson. The drawings have been objected to under 37 C.F.R. §1.83(a). The examiner has graciously allowed correction of this defect in the drawings to be deferred until the application is allowed.

Regarding the rejection under §103(a), base Claims 1 and 11 have been amended, as discussed during the interview, to more clearly recite the operation of the claimed filter means. Specifically, the filter means of the present invention operates to *filter the passage of applicant data through the system to the lender.* As a result, filtering takes place prior to any loan package information being distributed from the lender to the dealer. The prior art of record does not disclose, teach or suggest this feature.

While the examiner agrees that DeFrancesco does not teach the use of filter means for electronically comparing an applicant profile with a model profile, he states that such filter means would have been obvious in view of the "financial source filter" described in

5

APPLICANT: Sinclair
SERIAL NO.: 09/247,222
Page 4

Anderson. The applicant respectfully disagrees. According to Anderson, the system includes a number of pre-programmed, rank ordered finance programs of various lenders. The object of the prior art system is to automatically select the "best fit" or most profitable finance program available to the dealership for each particular customer. Because the prior art system knows the lender guidelines in advance, the dealer knows how to get the customer's loan structured so that it will be approved and thereby maximize profit to the dealership. See Anderson at col. 2, lns. 59-61.

An overview of the financial source filter of Anderson is shown in Figure 12. Beginning at reference number 104, customer information is provided to the system in response to questions selected by the system from a credit question database (236). The dealer enters customer answers from information provided on a complete credit application filled out and signed by the customer in advance. Based on the answers inputted by the dealer, the system "ranks" the customer in terms of his/her creditworthiness, and using system logic determines which of the various pre-programmed loan packages (710-718) is the best fit. The specific guidelines for the *system-selected loan package* are automatically distributed to the dealer, who then structures an auto purchase deal suited to the particular customer.

One key distinction between the claimed invention and Anderson is that the invention operates to filter the passage of customer data to the lender prior to any loan package information being made available through the system to the dealer. Consequently, in the present system, the lender decides whether loan package information is passed to the

APPLICANT: Sinclair
SERIAL NO.: 09/247,222
Page 5

dealer and what the parameters of that information are based on each individual case. In this regard, the invention is a "dynamic" system in that the lender interfaces directly with the system and determines the distribution and content of loan package information only after operation of the filter means. The lender is not tied into presenting a certain pre-programmed loan package to a customer simply because the *system* has determined it to be the best fit. Instead, the present invention maintains lender flexibility by allowing the lender to customize a loan package any way it chooses after the filtering process and before distribution of any specific loan package information back through the system to the dealer.

The prior art Anderson system, on the other hand, is "static" in that loan package information is pre-programmed into the system and then distributed based entirely on system logic. In Anderson, the lender's loan package information is entered into the system *before any filtering takes place.* The present filter means operates in complete reverse by determining loan package information distribution by lenders *only after filtering has occurred.* A further advantage of the present system is in reducing the incidence of "creative puffery" practiced by dealers who may be desperately seeking to match their customer data with the terms of a particular loan program. Anderson actually promotes this practice. See col. 2, lns. 59-61 ("Thus, if the lender's guidelines are known by such a system, the desk manager knows how to get the customer's loan structured so that it will be approved.").
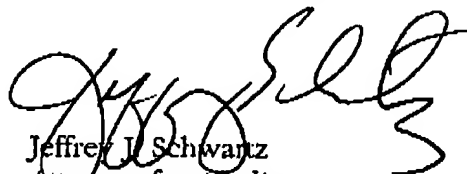
The amendments to base claims 1 and 11 distinguish these claims from the prior art of record. None of the prior art systems disclose, teach, or suggest the features of the present invention. Claims 2-10 and 12-20 depend from base claims 1 and 11, respectively,

7

APPLICANT: Sinclair
SERIAL NO.: 09/247,222
Page 6

and are likewise considered allowable.

For all of the reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore requested at an early date. If the examiner believes that issues remain for discussion, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Jeffrey J. Schwartz
Attorney for Applicant
Registration No. 37,532

Jeffrey J. Schwartz
Adams Law Firm, P.A.
2180 First Union Plaza
Charlotte, North Carolina 28282
Tel.: (704) 375-9249
Fax: (704) 375-0729
e-mail: jjs@adamspat.com
Attorney File No. 2112/4

8